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O.P.No.546 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.03.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.546 of 2024

Mr.Mohan Krishna @ Mohanakrishna Shekar

...Petitioner

vs.

1.Mrs.Surya @ Suriya
2.Mr.M.Harikanth
3.Mr.M.C.Yashwanth
4.Mrs.M.Kavitha
5.Mr.M.Mohana Krishna
6.Mr.Damodar

...Respondents

PRAYER: Original Petition filed under Sections 222 and 276 of the Indian Succession Act, 1925 read with Order XXV Rule 4 of the Madras High Court Original Side Rules, 1956, prays that he may be allowed to prove the Will in common form, and that probate thereof, to have effect throughout the State of Tamil Nadu may be granted to him.

For Petitioners : Mr.Ganesh.S

For Respondents : Mr.Nicul Anand (For R1 to R5)
No appearance (For R6)

**ORDER**

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This Original Petition has been filed for issuance of Probate for the Last Will and testament dated 20.07.2023 executed by Late.Mr.M.Jayachandran, who died on 04.02.2024. The petitioner has been appointed as executor under the Will along with 6th respondent Mr.Damodar.

2. The petitioner and the sixth respondent are the sister's children of the testator. The 1st respondent is the wife of the testator, 2nd and 5th respondent are the sons of the testator. Late.Mr.Chandrakanth is the predeceased son of the testator who died on 17.01.2022, the 4th respondent is the wife and the 3rd respondent is the son of Late.Mr.Chandrakanth. The first respondent has life interest under the Will and the respondents 2, 3 and 5 are the beneficiaries named in the said Will of the testator. The respondents R1 to R5 have filed their consent affidavits expressing their consent for the grant of probate.

3. The petitioner has been examined as PW1. He has produced the death certificate of Late.Mr.M.Jayachandran and Late.Mr.M.Chandrakanth as Ex.P5 and Ex.P4. The Legal heir certificate of testator as Ex.P6. The



original will dated 20.07.2023 as Ex.P1.

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4. Mr.Ravikanth , who was the first attesting witness and Mr.Mannur Srikanth, who was the second attesting witness to the said Will has been examined as PW3 and PW2 respectively. The attesting witnesses have spoken about the execution of the Will by the testator and its attestation by him and they have marked their affidavit as Ex.P16 and Ex.P14 respectively.

5. The assertions in the petition have been duly proved adducing oral evidence supported by documents. In these circumstances the petitioner is entitled to the relief.

6. In view of the said evidence, the execution of Will stands proved. Hence, the Original Petition is allowed granting probate of the last Will and testament dated 20.07.2023.

24.03.2025

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.Mohan Krishna

P.W.2 – Mr.Mannur Srikanth

P.W.3 – Mr.Ravikanth



Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Original Will of the testator Late.Mr.M.Jayachandran dated 20.07.2023.
Ex.P2	Certified copy of the partition deed registered as Doc.No.856/1990 dated 30.03.1990.
Ex.P3	Computer generated copy of the property tax records of the property situated at Rameswaram Street, T.Nagar, Chennai – 600 017 from 1/93-94 to 2/23-24.
Ex.P4	Computer generated copy of the death certificate of Late.Mr.M.Chandrakanth died on 17.01.2022.
Ex.P5	Computer generated copy of the death certificate of the testator Late Mr.M.Jayachandran died on 04.02.2024.
Ex.P6	Computer generated copy of the legal heirship certificate of the testator Late.Mr.M.Jayachandran dated 13.03.2024.
Ex.P7	Photocopy of the bank statement of the testator Late Mr.M.Jayachandran for the period from December 2023 to March 2024. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P8	Affidavit of assets wherein net value of estate of Rs.1,50,00,000.00/-
Ex.P9	Consent affidavit of Mrs.Surya @ Suriya / 1 st respondent.
Ex.P10	Consent affidavit of Mr.M.Harikanth/2 nd respondent.
Ex.P11	Consent affidavit of Mr.M.C.Yashwanth/3 rd respondent.
Ex.P12	Consent affidavit of Mrs.M.Kavitha/4 th respondent.
Ex.P13	Consent affidavit of Mr.M.Mohana Krishna/3 rd respondent.
Ex.P14	Affidavit.
Ex.P15	Photocopy of the Aadhar Card of the 2 nd attesting witness.
Ex.P16	Affidavit.
Ex.P17	Photocopy of the driving licence of the 1 st attesting witness is marked as Ex.P17.

24.03.2025

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